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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Holliday

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6449

7590

06/15/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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WASHINGTON, DC 20005

EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

PAPER NUMBER

2425

NOTIFICATION DATE

DELIVERY MODE

06/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,839	<b>Applicant(s)</b> HOLLIDAY ET AL.	
	<b>Examiner</b> Nnenna N. Ekpo	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/10/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/28/2006, 12/13/2007 &amp; 2/19/2009</u> .                   | 6) <input type="checkbox"/> Other: _____                          |



**DETAILED ACTION**

***Election/Restriction***

1. Applicant's election without traverse of claims 1-25 in the reply filed on 02/10/2009 is acknowledged.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The references listed in the Information Disclosure Statement filed on July 28, 2006, December 13, 2007 and February 19, 2009 has been considered by the examiner (see attached PTO-1449 form).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claim 25** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 25 will be examined as best understood by the Examiner.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-4, 7-12, 16-18 and 21-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Levandowski (U.S. Patent No. 6,704,060).

Regarding **claim 1**, Levandowski discloses a media device (see fig. 1 (112)) having at least first (see fig. 1 (114)) and second media outputs (see fig. 1 (120)) and respective associated first (see fig. 1 (116)) and second control inputs (see fig. 1 (122)), the media device being arranged to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-56, fig 1); the device being further arranged to apply a common setting to the media signals output on the first and second media outputs; wherein the device is arranged to adopt a predetermined first or second setting as said common setting according to whether control signals are received respectively on said first or said second inputs (see col. 1, lines 59-col. 2, lines 23, col. 2, lines 42-col. 3, line 4, lines 49-col. 4, lines 8).

Regarding **claim 3**, Levandowski discloses everything claimed as applied above (see *claim 2*). Levandowski discloses a device wherein the first and second settings are modifiable by the control signals input at the first and/or second control inputs (see col. 1, lines 42-64, col. 5, lines 24-56).

Regarding **claim 16**, Levandowski discloses a method of setting a media output format for a media device (see fig. 1 (112)) having at least first (see fig. 1 (114)) and second media outputs (see fig. 1 (120)) and respective associated first (see fig. 1 (116)) and second control inputs (see fig. 1 (122)), the media device being arranged to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-56, fig 1); the device being further arranged to apply a common setting to the media signals output on the first and second media outputs; the method comprising detecting whether the control signals are received on said first or said second inputs, and adopting respectively a predetermined first or second setting as said common setting in response to said detecting step (see col. 1, lines 59-col. 2, lines 23, col. 2, lines 42-col. 3, line 4, lines 49-col. 4, lines 8).

Regarding **claims 2 and 17**, Levandowski discloses everything claimed as applied above (see *claims 1 and 16*). Levandowski discloses a device wherein said first and/or second settings are modifiable by a user (see col. 1, lines 42-64).

Regarding **claims 4 and 18**, Levandowski discloses everything claimed as applied above (see *claims 1 and 16*). Levandowski discloses a device wherein the media signals include video signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claims 7 and 21**, Levandowski discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein the media signals include audio signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claim 8**, Levandowski discloses everything claimed as applied above (*see claim 1*). Levandowski discloses an apparatus including a device, a media relay for conveying the media signals from the second media output to a media player at a location remote from the device, and a control relay for relaying the control signals from the remote location to the device (see col. 2, lines 42-64, fig 1 (118)).

Regarding **claim 9**, Levandowski discloses everything claimed as applied above (*see claim 8*). Levandowski discloses an apparatus, wherein the control relay is arranged to receive said control signals from a line-of-sight remote controller (see col. 2, lines 49-56).

Regarding **claim 10**, Levandowski discloses everything claimed as applied above (*see claim 9*). Levandowski discloses an apparatus wherein the media device is arranged to receive the control signals at the first control input from said line-of-sight remote controller (see col. 2, lines 49-56, fig 1 (116)).

Regarding **claim 11**, Levandowski discloses everything claimed as applied above (*see claim 10*). Levandowski discloses an apparatus wherein the line-of-sight remote controller is an infra-red remote control (see col. 2, lines 49-56).

Regarding **claim 12**, Levandowski discloses everything claimed as applied above (*see claim 11*). Levandowski discloses a media system including apparatus a first media player (fig. 1 (114)) at a first location (fig. 1 (101)), means for conveying to the first control input (fig. 1 (116)) said control signals initiated by a user from the first location, a second media player (fig. 1 (116)) at a second location (fig. 1 (102)), and means for conveying to the second control input (fig. 1 (122)) said control signals initiated by the user from the second location (see fig. 1, col. 2, lines 42-col. 3, line 4).

Regarding **claim 22**, Levandowski discloses everything claimed as applied above (*see claim 16*). Levandowski discloses a computer program including program steps for performing a method according to claim 16 when executed by the media device (see col. 2, lines 42-col. 3, line 4, fig 1 (112)).

Regarding **claim 23**, Levandowski discloses everything claimed as applied above (*see claim 22*). Levandowski discloses a computer program product comprising the computer program recorded on a carrier (see col. 5, lines 49-56, lines 57-col. 6, line 9).



Regarding **claim 24**, Levandowski discloses everything claimed as applied above (see *claim 22*). Levandowski discloses a broadcast signal including a computer program (see col. 6, lines 1-9).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 5-6, 13-15, 19-20 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent No. 6,704,060) in view of Hamaguchi et al. (U.S. Patent No. 6,104,865).

Regarding **claim 13**, Levandowski discloses a television broadcast receiver (see fig. 1 (112)) arranged to output on primary (see fig. 1 (114)) and secondary outputs (see fig. 1 (120)) a video signal (see col. 2, lines 42-64), having an infrared receiver for receiving control signals from a remote control, and an auxiliary control input for receiving control signals from the remote control via a remote control extender (see col. 2, lines 42-col. 3, line 4), the receiver being arranged to detect whether a control signal is received by the infrared receiver or at the auxiliary control input, and to apply selectively a first or a second video signal, dependent on said detection (see col. 3, lines 49-col. 4, lines 8, col. 5, lines 57-col. 4, line 9).

However, Levandowski fails to specifically disclose a picture format and applying selectively a first or a second said picture format to said video signal.

Hamaguchi et al. discloses a picture format and applying selectively a first or a second said picture format to said video signal (see col. 21, lines 31-42 and fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Levandowski's invention with the above mentioned limitation as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

Regarding **claims 5 and 19**, Levandowski discloses everything claimed as applied above (*see claims 4 and 18*). However, Levandowski fails to specifically disclose a device wherein the common setting comprises a picture format of the video signals.

Hamaguchi et al. discloses a device wherein the common setting comprises a picture format of the video signals (see abstract, lines 6-9, col. 2, lines 41-col. 3, line 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Levandowski's invention with the above mentioned limitation as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

Regarding **claims 6, 14 and 20**, Levandowski discloses everything claimed as applied above (*see claims 5, 13 and 19*). However, Levandowski fails to specifically disclose a device wherein the picture format comprises an aspect ratio.

Hamaguchi et al. discloses a device wherein the picture format comprises an aspect ratio (*see col. 7, lines 26-67, col. 25, lines 60-col. 26, line 4*).

Regarding **claim 15**, Levandowski and Hamaguchi et al. discloses everything claimed as applied above (*see claim 13*). Hamaguchi et al. discloses a receiver wherein the first and second picture formats are selectable by a user (*see col. 21, lines 31-42*).

Regarding **claim 25**, Levandowski discloses everything claimed as applied above (*see claim 13*). However, Levandowski fails to specifically disclose a method substantially as herein described with reference to FIG. 6 of the accompanying drawings.

Hamaguchi et al. discloses a method substantially as herein described with reference to FIG. 6 of the accompanying drawings (*see col. 21, lines 31-42*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Levandowski's invention with the above mentioned limitation as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

***Citation of Pertinent Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Chen et al.** (U. S. Publication No. 2002/0122137) discloses selecting and accessing different portions of an information stream from a digital television.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/  
Patent Examiner  
May 28, 2009.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425